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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**MICHAEL Z. MATTHEW,**

**Petitioner,**

**-v-**

**PAPUA NEW GUINEA,**

**Respondent**

Case No. 07 Civ. 8705 (LTS)(MHD)

**SUBMISSION REGARDING REMOVAL**

Per Item 2 of the Court's Order dated October 18, 2007, Respondent Papua New Guinea hereby files its Submission Regarding Removal of the referenced action.

a. Respondent Papua New Guinea, constituting all respondents, filed the Notice of Removal. According to records available to date, Respondent submits that it was not properly served with process at any time before removal.

b. The Notice of Removal was not dated more than thirty (30) days after the first Respondent was served. According to records available to date, Respondent submits it has not yet been properly served with process.

c., d. The action was not removed on grounds of diversity jurisdiction.

Counsel for Respondent Papua New Guinea has spoken with counsel for Petitioner Michael Z. Matthew, who stated that he is informed that service has been effected. Respondent requests the opportunity to review proof of service documents to be provided by Petitioner, and

pending such review of service documents, reserves its right to file a motion to dismiss this action under Fed. R. Civ. P. 12(b)(2), (4) and (5) based upon Petitioner's failure to effect service of process in compliance with the Foreign Sovereign Immunities Act, and lack of personal jurisdiction stemming from failure to effect service of process.

Dated: New York, New York  
November 1, 2007

BAKER & McKENZIE LLP

By: /s/ Grant Hanessian  
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